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December 29, 2011

(By ECF and Fax: (718) 613-2527)

Hon. Jack B. Weinstein  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Louis Eppolito v. United States, 11-cv-05123(JBW)*

Dear Judge Weinstein:

I respectfully request that the Court extend its Order of February 23, 2006 (Docket Entry # 178) ("the Order") to allow me, as Eppolito's § 2255 counsel, to possess any Anthony Casso FBI-302 reports that were turned over to counsel during trial. Mr. Eppolito was cross-examined on some of the reports' contents by the Government at his post-verdict hearing (*See* Tr. 182-83).

I also request, Pursuant to Rule 6 of the Rules Governing § 2255 Cases, that the Court order the Government to produce all Anthony Casso materials that relate either to prior clients of trial counsel Bruce Cutler, or to any of Casso's other alleged law enforcement sources. It is my understanding that there are in excess of 500 pages of Casso FBI-302s.

On December 20, 2011, I contacted the prosecutors assigned to this case, AUSAs Evan Norris and Stephen Frank. I informed them that I had what appeared to be Casso FBI-302s that were produced to trial counsel under the Order that they not be copied or disseminated, and that they be returned at the close of trial. I asked the Government if it would not oppose the Court extending its Order regarding the Casso materials to § 2255 counsel.

The Government requested return of the documents before taking a position. To this end, the following morning I requested that the Government confirm the bates range of the documents it produced so I do not return anything other than what was received, and also that it confirm whether a set was ever returned by trial counsel. As of yesterday, the Government has been unable to confirm what it produced or if it was returned. I believe this confirmation to be an objectively fair and reasonable prerequisite to the return of any documents.

Given these circumstances, I respectfully request, first, that Your Honor allow me to possess any Casso FBI-302s the Government may have turned over to trial counsel, particularly since Eppolito's petition involves a claim of conflict of interest that the Casso materials appear to bear directly upon. Second, I request that the Government be ordered to produce all other Casso materials, of any sort, that specifically reference either former clients of Bruce Cutler's (the conflict of interest issue) or other law enforcement sources of information (the failure to call Casso because of a conflict issue).

I have spoken with § 2255 counsel to Petitioner Caracappa, whom I understand joins in these requests and may also possess similar Casso materials.

Thank you for consideration of these issues.

Respectfully submitted,

\_\_\_\_\_/S/\_\_\_\_\_  
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